

HOUSE BILL 2880  
By Stamps

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 15, relative to offenses against children.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 15, Part 4, is amended by adding the following new section:

(a) As used in this act, unless the context otherwise requires:

(1) "Structure" means a building of any kind, either temporary or permanent, which has a roof over it, together with curtilage thereof;

(2) "Dwelling" means a building or conveyance of any kind, either temporary or permanent, mobile or immobile, which has a roof over it and is designed to be occupied by people lodging together therein at night, together with the curtilage thereof;

(3) "Conveyance" means any motor vehicle, ship, vessel, railroad car, trailer, aircraft, or sleeping car.

(b)

(1) It is an offense for a person over the age of eighteen (18) who, having been previously convicted of a sexual offense against a person under the age of eighteen (18), or a violation of a similar law of another jurisdiction, intentionally lures or entices, or attempts to lure or entice, a

child under the age of twelve (12) into a structure, dwelling or conveyance for other than a lawful purpose.

(2) For purposes of this section, the luring or enticing, or attempted luring or enticing of a child under the age of twelve (12) into a structure, dwelling or conveyance without the consent of the child's parent or legal guardian is prima facie evidence of other than a lawful purpose.

(3) This offense is a Class E felony.

(c) It is an affirmative defense to a prosecution under this section that:

(1) The defendant reasonably believed that his or her action was necessary to prevent the child from being seriously injured.

(2) The defendant lured or enticed, or attempted to lure or entice, the child under the age of twelve (12) into a structure, dwelling or conveyance for a lawful purpose.

(3) The defendant's actions were reasonable under the circumstances and the defendant did not have any intent to harm the health, safety or welfare of the child.

SECTION 2. This act shall take effect July 1, 1996, the public welfare requiring it.

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